

**Probation Committee  
Judicial Conference of Indiana**

**Minutes  
April 28, 2006**

The Probation Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center in Indianapolis, Indiana on April 28, 2006.

1. **Members present.** The following members of the Probation Committee were present: Douglas R. Bridges, David Chidester, Thomas Felts, G. Thomas Gray, Robert Mrzlack, and Mark Stoner, chair.
2. **Staff present.** Jane Seigel, Jenny Bauer, Bob Champion and Michelle Goodman provided staff assistance to the Committee.
3. **Approval of minutes.** The minutes from January 20, 2006 were approved.
4. **Administrative fees.** At the request of Judge Stoner, Deputy Marion County Auditor Sue Patterson appeared before the committee to discuss Marion County's experience with the probation administrative fee. Ms. Patterson used a handout to explain that the Marion County probation department is operating at a fund deficit, with a shortfall of approximately \$400,000. She said deficit-potential is created by matching a fixed fee (the administrative fee) with a fluctuating cost (probation officer salaries). Ms. Patterson projected that Marion County needs an administrative fee of \$125 for misdemeanor offenses to get out of the deficit. Judge Gray added that Morgan County would run out of funds from the administrative fee in the middle of 2007. The committee discussed the alcohol countermeasures fee, noting that there is discretion to earmark a percentage of the fee for courts. Ms Seigel stated that the countermeasures fee would be studied this summer because local coordinating committees are not seeing much of the money. The committee also discussed that a range for the administrative fees may be a politically viable option. A motion was made to present the issue of inadequate administrative fees to the Board in June and ask the Board for direction. The motion passed unanimously.
5. **2006 legislative update.** Jenny Bauer reported that the 2006 session of the Indiana General Assembly ended on March 14<sup>th</sup> and many of the bills dealt with sex offenders. She stated that oversight of the sex offender registry was transferred to the Department of Correction. More than one bill dealt with sexually violent predators: the definition of a sexually violent predator was expanded to include certain offenses and persons fitting the definition must be placed on lifetime parole and monitored with GPS. Ms. Bauer distributed the excerpt from HEA 1155 with the language creating the pre-trial supervision fee. This language was formerly HB 1016. Judge Chidester also distributed a copy of a form he created for assessing this fee.

6. **Probation Officers Advisory Board issues.** Michelle Goodman reported that the 92 departments completed the survey on intra-state transfer of probation. The committee discussed the survey responses and agreed to read them and discuss at the next meeting. Ms. Goodman also explained the changes made to the intra-state transfer forms. The committee agreed to wait to approve the forms until after the intra-state transfer policy has been established. Judge Stoner asked Judge Felts to confer with a few committee members to draft a proposed policy
7. **Risk Assessment Meeting.** Michelle Goodman reported that the National Institute of Corrections awarded the Judicial Center a technical assistance grant two years ago for the purpose of improving the risk assessment instrument used by Indiana probation departments. The grant was put on hold while the Criminal Justice Institute's state-wide Risk Assessment Task Force met. When the Task Force was disbanded, NIC reinstated the Judicial Center's technical assistance grant. The NIC consultants are meeting with the Judicial Center and representatives from DOC and community corrections on May 8<sup>th</sup> and 9<sup>th</sup>.
8. **Probation Officers Annual Meeting.** Bob Champion reported that the 2006 Probation Officers Annual Meeting is scheduled for May 18<sup>th</sup> and 19<sup>th</sup> at the Adam's Mark Hotel in Indianapolis. Mr. Champion informed the committee that the following sessions would be offered:
9. **Probation Administration Issues.**
  - a.) False information on probation officer applications-- Michelle Goodman explained to the committee that Judicial Center staff drafted proposed language to add to the application to make it clear that the applicant's certification can be revoked if the person falsified information provided on the application form. A motion was made to adopt the language as proposed with the addition of "under penalties of perjury". The motion was approved unanimously.
  - b.) Stacy Smithers application-- Bob Champion reported that the committee discussed Ms. Smithers' application at the January 2006 meeting and requested that her supervising judge submit a letter regarding her unreported arrest. Mr. Champion reported that Judge Salvador Vasquez of Lake Superior Court sent the letter as requested by the committee. Judge Vasquez stated that Ms. Smithers did not deliberately misstate her arrest record and requested that she be given the opportunity to take the exam. By majority vote, the committee approved Judge Vasquez' request for Ms. Smithers to take the probation officer exam.
  - c.) Bob Champion reported that a person requested to take the probation officer exam in Braille. Mr. Champion stated that he would provide a reader for the exam. He also stated that this is what Mary Godsey does for the Bar exam. The committee members were okay with this.
  - d.) Bob Champion reported that 22 probation departments did not send in the annual CLE reports. Mr. Champion asked Judge Stoner to send a letter to each department informing them that these reports are mandatory.
  - e.) Bob Champion requested that Judge Stoner go to the next Judicial Conference Board of Directors meeting and request that the Board

consider revoking the certification of Corey Norman (the probation officer who misspelled his name on the application and avoided detection of his criminal record). The committee approved Judge Stoner's appearance before the Board.

**10. Translation of court forms.** Judge Stoner reported that Marion County probation officer has been translating probation conditions into Spanish for the courts. The committee discussed the issue of who should be translating court forms. Judge Stoner stated that he would like to see the Board of Directors weigh in on this issue.

**11. Sex offender probation conditions.** Jenny Bauer reported that recent legislation changed several probation conditions for "sexually violent predators". The committee asked the Judicial Center staff to research the new conditions to determine if the Recommended Special Conditions for Sex Offenders should be amended to reflect the legislative changes.

**12. Next meeting.** The next meeting of the Probation Committee is scheduled for July 14, 2006.

Respectfully submitted,

Jenny Bauer  
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Indiana Judicial Center